

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DOORDASH, INC.,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

21 Civ. 7695 (AT) (SLC)

PORTIER, LLC,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

21 Civ. 10347 (AT) (SLC)

GRUBHUB INC.,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

21 Civ. 10602 (AT) (SLC)

**AMENDED CIVIL CASE MANAGEMENT PLAN**  
**AND SCHEDULING ORDER**

SARAH L. CAVE, United States Magistrate Judge:

This Civil Case Management Plan (the “Plan”) is submitted by the parties in accordance with Rule 26(f)(3), Fed. R. Civ. P.

1. All parties do not consent to conducting all further proceedings before a magistrate judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. These cases are to be tried to a jury.
3. Amended pleadings may not be filed and additional parties may not be joined except with

leave of the Court.

4. All fact discovery shall be completed no later than April 7, 2023.
5. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 4 above:
  - a. Fact depositions to be completed by March 28, 2023.
  - b. Initial Requests to Admit to be served no later than February 17, 2023.
6.
  - a. All expert discovery shall be completed no later than N/A.
  - b. On November 4, 2022, the parties met and conferred to determine whether expert discovery is necessary. Each party represented that they do not intend to retain an expert in this Action.
7. All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements, except that motions in limine may be made without a pre-motion conference on the schedule set forth in paragraph 10. Pursuant to the authority of Rule 16(c)(2), Fed. R. Civ. P., any motion for summary judgment will be deemed untimely unless a request for a pre-motion conference is made in writing within fourteen (14) days following the close of discovery.
8. All counsel must meet face-to-face for at least one hour to discuss settlement within fourteen (14) days following the close of fact discovery.
9.
  - a. Counsel for the parties have discussed an informal exchange of information in aid of an early settlement of this case and have agreed upon the following:

No such exchange would be productive at this time.
  - b. Counsel for the parties have discussed the use of the following alternative dispute resolution mechanisms for use in this case: (i) a settlement conference before a magistrate judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:

To be determined.
  - c. Counsel for the parties recommend that the alternative dispute resolution mechanism designated in paragraph b, be employed at the following point in the case (e.g. within the next sixty days; after the deposition of plaintiff is completed (specify date); after the close of fact discovery)

After the close of fact discovery.

- d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.
10. The Final Pretrial Submission Date is thirty (30) days following the close of fact and expert discovery (whichever is later). By the Final Pretrial Submission Date, the parties shall submit a Joint Pretrial Order prepared in accordance with the Court's Individual Practices and Rule 26(a)(3), Fed. R. Civ. P. Any motions in limine shall be filed after the close of discovery and before the Final Pretrial Submission Date and the pre-motion conference requirement is waived for any such motion. If these actions are to be tried before a jury, proposed *voir dire* questions, jury instructions and verdict form shall also be filed by the Final Pretrial Submission Date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the joint submission. Jury instructions may not be submitted after the Final Pretrial Submission Date, unless they meet the standard of Rule 51(a)(2)(A), Fed. R. Civ. P. If these actions are to be tried to the Court, proposed findings of fact and conclusions of law should be submitted by the Final Pretrial Submission Date.
  11. Counsel for the parties have conferred and their present best estimate of the length of trial is: one week.
    - a. If, for any reason, any party determines it will not be feasible to complete fact discovery by the date set forth in Paragraph 4, the parties agree to meet and confer in good faith for reasonable extensions of time.
    - b. To the extent that a party requests privileged information, the parties agree to meet and confer within 7 days of the producing party's final production to discuss the timing for producing a privilege log. Privilege logs do not need to be served together with a party's responses and objections.
    - c. The parties reserve the right to meet and confer in good faith and seek the Court's approval if any modifications to this scheduling order are necessary or appropriate based on the scope of discovery sought, the outcome of motion practice, if any, or based on other developments that affect the case.
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**TO BE COMPLETED BY THE COURT:**

The Plan has been reviewed by the Court and, except as modified, is adopted as the Scheduling Order of this Court in accordance with Rule 16(b), Fed. R. Civ. P.

12. The next Case Management Conference is scheduled for **Monday, March 20, 2023 at 12:00 p.m.** By **5:00 pm on Wednesday, March 15, 2023**, the parties may file a joint letter, no longer than four (4) pages, listing, without argument, any discovery disputes or other matters requiring the Court's intervention. The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time. The parties are permitted to file letter-motions or otherwise seek judicial intervention sooner than March 20, 2023, should any ripe disputes require the Court's involvement.

This ORDER may not be modified or the dates herein extended, except by further order of this Court for good cause shown. Any application to modify or extend the dates herein (except as noted in paragraph 5) shall be made in a written application in accordance with paragraph I.B. of the Court's Individual Practices and shall be made no less than five (5) days prior to the expiration of the date sought to be extended.

SO ORDERED.

Dated: December 21, 2022  
New York, New York

  
SARAH L. CAVE  
United States Magistrate Judge